

REMARKS

Reconsideration and withdrawal of the rejections of this application and consideration and entry of this paper are respectfully requested in view of the herein remarks and accompanying information, which place the application in condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 1-13 and 15 are currently under consideration. Claims 1 and 15 are amended without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents. Both claims are amended to further clarify the frame of the sports boot.

No new matter is added.

Support for amended claims 1 and 15 can be found throughout the specification as filed, for example, on page 2, lines 29-32, on page 4, lines 26-34, and in Figure 3.

It is submitted that the claims herewith are patentably distinct over the prior art, and these claims are in full compliance with the requirements of 35 U.S.C. §112. The amendments to the claims presented herein are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply to clarify the scope of protection to which Applicants are entitled.

II. THE REJECTIONS UNDER 35 U.S.C. §103(a) ARE OVERCOME

Claims 1-11, 13, and 15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lepage et al. (U.S. Patent No. 6,457,265; hereinafter "Lepage") in view of Saillet et al. (U.S. Patent No. 6,938,362; hereinafter "Saillet"). Claim 12 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lepage in view of Saillet, and in further view of Basso (U.S. Publication No. 2001/0018805). These rejections are traversed and will be addressed collectively.

The Office Action maintains that the cited references render the present invention obvious. According to the Office Action, Applicants' previous arguments were not persuasive since the reinforcement means of Lepage are allegedly positioned at least partially between –

which the Office Action interprets as “shared by” – the first part (rigid core 1 and 2 of Lepage, allegedly) and the second part (supple parts 11 and 12 of Lepage, allegedly).

Attention is initially drawn to amended claims 1 and 15, which clarify that the frame, which is a reinforcement means, is “partially covered by the second part.” Importantly, Lepage does not teach or suggest a reinforcement means that is partially covered by the second part, i.e., supple parts 11 and 12. In fact, the authors of Lepage specify in multiple instances that the reinforcement means of their boot is not covered by the supple material, e.g., see column 2, line 67 - column 3, line 2; and see column 3, lines 33-36. Further, Lepage actually teaches away from the present invention by citing advantages for not covering the reinforcement means (see column 2, lines 29-33). Neither Saillet nor Basso remedies this deficiency in Lepage. Therefore, one skilled in the art, upon consideration of these cited references, would not opine that the references render the present invention obvious. Combining the references would not lead the skilled artisan to arrive at the instant invention, because there is no teaching of the reinforcement means being partially covered by the second part. If anything, the skilled artisan would be drawn away from the present invention because the references would teach to have the reinforcement means completely uncovered.


Accordingly, reconsideration and withdrawal of all rejections under 35 U.S.C. § 103(a) are respectfully requested

CONCLUSION

In view of the remarks and amendments herewith, the application is in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution.

Respectfully submitted,
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